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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/635,821 08/05/2003		08/05/2003	Masahiro Morishima	03460/LH	7702	
1933	7590	10/29/2004	EXAMINER			
FRISHAU	F, HOLTZ	Z, GOODMAN &	JOHNS, AN	JOHNS, ANDREW W		
767 THIRD 25TH FLOO				ART UNIT	PAPER NUMBER	
NEW YOR	K, NY 10	0017-2023	2621			
				DATE MAILED: 10/29/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on				on No.	Applicant(s)					
Androw W. Johns - The MAILING DATE of this communication appears on the cover sheet with the correspondence address— Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for ricely papediad above in loss than thirty (30) days, an apply white the statutory retirely an apply and in the period for ricely papediad above in loss than thirty (30) days, an apply white the statutory retirely an apply and in literate (30) EXPIRE 1 the period for ricely papediad above in loss than thirty (30) days, an apply white the statutory retirely an apply white the statutory retirely an apply white the statutory retirely and an advantage date of this communication. If the period for ricely is papediad choice, the manufacturing year and apply white the statutory retirely and an advantage and in the period of the communication. If the period for ricely is papediad above, the manufacturing year and apply white the statutory retirely and an advantage and in the period of the communication. If the period for ricely is papediad above, the manufacturing year and an advantage and the period of the communication. Provincy retirely fleet on manufacturing the period of the communication, over if invely fleet, may reduce any search greater than advantage and the period of the communication, over if invely fleet, may reduce any search greater than a period of the communication. Status 1)			10/635,82	21	MORISHIMA ET AL.					
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2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4	Status									
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4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) □ Some * c) □ None of: 1. ☑ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) □ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) □ Information Disclosure Statement(s) (PTO-1449 or PTO/S8/08) 5) □ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) □ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) □ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) □ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) □ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) □ Notice of Draftsperson's Patent Drawing Review (PTO-152)	Dispositi	on of Claims								
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Application/Control Number: 10/635,821

Art Unit: 2621

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. § 121:
 - I. Claims 1-23 and 25-35, drawn to an image comparison method and apparatus that captures images and displays a comparison image, classified in class 382, subclass 218.
 - II. Claims 24 and 36-37, drawn to a method of comparing reference images on a plurality of image comparison apparatuses with a comparison image acquired through a network, classified in class 709, subclass 217.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as performing image comparisons on a stand-alone image comparison apparatus. See M.P.E.P. § 806.05(d).
 - 3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
 - 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 C.F.R. § 1.143).
 - 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37 C.F.R.

§ 1.48(b) and by the fee required under 37 C.F.R. § 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Johns whose telephone number is (703) 305-4788. The examiner in normally available Monday through Friday, at least during the hours of 9:00 am to 3:00 pm Eastern Time. The examiner may also be contacted by e-mail using the address: andrew.johns@uspto.gov. (Applicant is reminded of the Office policy regarding e-mail communications. See M.P.E.P. § 502.03)

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leo Boudreau, can be reached on (703) 305-4706. The fax phone number for this art unit is (703) 872-9306. In order to ensure prompt delivery to the examiner, all unofficial communications should be clearly labeled as "Draft" or "Unofficial."

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center Receptionist whose telephone number is (703) 305-4700.

A. Johns

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20 October 2004

ANDREW W. JOHNS PR!MARY EXAMINER